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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,105	05/09/2001	Tatsuya Fukunishi	R2184.0100/P100	2323
24998	7590	12/03/2003	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			GELIN, JEAN ALLAND	
2101 L STREET NW			ART UNIT	
WASHINGTON, DC 20037-1526			PAPER NUMBER	
			2681	5
DATE MAILED: 12/03/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/851,105

Applicant(s)

FUKUNISHI, TATSUYA

Examiner

Jean A Gelin

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 12-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10, 11, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-9, 12-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi et al. (US 5,701,597).

Regarding claims 1, 7, and 13 Nakanishi teaches a secondary-battery control circuit (figs. 1, and 10 illustrated at least two batteries in a wireless unit, and figs. 8 and 9 illustrated a battery pack having cells in series and at least two control units 33, 34), comprising: a first path supplying a first load current from one or more secondary batteries connected in series or parallel, to a system, and including a first cutoff switch (i.e., first path is power line 20 which is coupled to at least a switch that controls power, col. 7, lines 34-43, col. 7, lines 58-65); and a second path supplying a second load current from said one or more secondary batteries to the system (i.e., second path is power line 22), wherein said first cutoff switch is turned off if a voltage of said one or

more secondary batteries is lower than a first predetermined voltage, or if the first load current is greater than a predetermined current, thereby cutting off the first load current to the system (i.e., monitoring when to turn on and off base on amount of discharge col. 7, lines 31 to col. 8, line 58).

Regarding claims 2, 8, and 14, Nakanishi teaches wherein said second path includes a second cutoff switch controlled independently of said first cutoff switch (i.e., switch 42 or fuse 18 of fig. 10).

Regarding claims 3, 9, and 15, Nakanishi teaches, wherein said second cutoff switch is turned off if the voltage of said one or more secondary batteries is higher or lower than a second predetermined voltage (col. 8, lines 1-7).

Regarding claims 6, 12, and 18, Nakanishi teaches wherein said system, to which the second load current is supplied through said second path, includes a remaining-charge indicating IC (Integrated Circuit) used for indicating a remaining charge of said one or more secondary batteries, or a resetting IC used for resetting the system (col. 8, lines 8-23 and lines 49-67).

***Allowable Subject Matter***

4. Claims 4, 5, 10, 11, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aisaka et al.	US 5,095,541 A	03/10/1992
Inukai et al.	US 5,867,798 A	02/02/1999
Yokota	US 6,058,320 A	05/02/2000
Kaneko	US 6,377,826 B1	04/23/2002

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4847.

JGelin  
November 29, 2003

JEAN GELIN  
PATENT EXAMINER

*Jean Allard Gelin*